

## REMARKS/ARGUMENTS

In the Office Action mailed October 1, 2008, claims 1-8 were rejected. In response, Applicant hereby requests reconsideration of the application in view of the amendments and the below-provided remarks.

For reference, claims 1 and 5-7 are amended. In particular, claim 1 is amended to clarify the language of the claim and to clarify that the first and second gain controllers control the gains independently based on modulated and demodulated intermediate frequency signals, respectively. Claims 5, 6, and 7 are similarly amended to clarify the language of the claims. Claim 8 is canceled. No claims are added.

### Specification Guidelines

The Office Action provides suggested guidelines for the preferred layout of the specification. The Office Action appears to suggest that section headings be added to the specification, according to the guidelines set forth in the MPEP. Applicant notes that the suggested section headings are not required and, hence, Applicant respectfully declines to amend the specification to include the indicated section headings.

### Claim Rejections under 35 U.S.C. 101

Claim 8 was rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. In particular, the Office action states that claim 8 is attempting to claim a memory device encoded with a data structure, but the body of the claim purportedly lacks the necessary functional interrelationship of the data to be a data structure and, therefore, the claim is only a collection of data which is non-functional descriptive material.

Applicant notes that claim 8 is canceled. Hence, the rejection of claim 8 under 35 U.S.C. 101 is moot.

### Claim Rejections under 35 U.S.C. 102 and 103

Claims 1, 2, and 5-8 were rejected under 35 U.S.C. 102(b) as being anticipated by Konoshi et al. (U.S. Pat. Pub. No. 2001/0055956, hereinafter Konishi). Additionally, claims 3 and 4 were rejected under 35 U.S.C. 103(a) as being unpatentable over Konishi

in further view of Kwun (U.S. Pat. Pub. No. 2003/0022642, hereinafter Kwun).

However, Applicant respectfully submits that the pending claims are patentable over Konishi and Kwun for the reasons provided below.

#### Independent Claim 1

Claim 1 recites “a second gain controller (54) for controlling a gain of the second stage (5); which first and second gain controllers (38,54) control the gains independently from each other with the first gain controller to control the gain of the first stage based on a modulated intermediate frequency signal, and the second gain controller to control the gain of the second stage based on a demodulated intermediate frequency signal” (emphasis added).

In contrast, Konishi does not disclose first and second gain controllers which control the gains independently from each other based on modulated and demodulated intermediate frequency signals, as recited in the claim. Konishi merely describes an automatic gain control (AGC) signal generator that produces two outputs. Konishi, Fig. 1. The AGC signal generator generates the outputs from a single input taken from the output of the A/D converter. Konishi, Fig. 1; page 4, para. 54. The output of the A/D converter is a modulated intermediate frequency (IF) signal. Konishi, Fig. 1; page 6, para. 91. Thus, the AGC signal generator generates both outputs from a modulated IF signal. Hence, neither of the outputs is generated based on a demodulated IF signal. Moreover, Konishi describes demodulating the signal from the A/D converter in a later stage, but does not describe using any demodulated signals in conjunction with the AGC signal generator. Accordingly, Konishi does not disclose an input for the AGC signal generator taken from a demodulated IF signal.

For the reasons presented above, Konishi does not disclose all of the limitations of the claim because Konishi does not disclose controlling a gain of a second stage based on a demodulated IF signal, as recited in the claim. Accordingly, Applicant respectfully asserts claim 1 is patentable over Konishi because Konishi does not disclose all of the limitations of the claim.

#### Independent Claim 5

Applicant respectfully asserts independent claim 5 is patentable over Konishi at least for similar reasons to those stated above in regard to the rejection of independent claim 1. In particular, claim 5 recites “a second gain controller (54) for controlling a gain of the second stage (5); which first and second gain controllers (38,54) control the gains independently from each other with the first gain controller to control the gain of the first stage based on a modulated intermediate frequency signal, and the second gain controller to control the gain of the second stage based on a demodulated intermediate frequency signal, and which tuner comprises the first stage (3) and the first gain controller (38)” (emphasis added).

Here, although the language of claim 5 differs from the language of claim 1, and the scope of claim 5 should be interpreted independently of claim 1, Applicant respectfully asserts that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of claim 5. Accordingly, Applicant respectfully asserts claim 5 is patentable over Konishi because Konishi does not disclose controlling a gain of a second stage based on a demodulated IF signal, as recited in the claim.

#### Independent Claim 6

Applicant respectfully asserts independent claim 6 is patentable over Konishi at least for similar reasons to those stated above in regard to the rejection of independent claim 1. In particular, claim 6 recites “a second gain controller (54) for controlling a gain of the second stage (5); which first and second gain controllers (38,54) control the gains independently from each other with the first gain controller to control the gain of the first stage based on a modulated intermediate frequency signal, and the second gain controller to control the gain of the second stage based on a demodulated intermediate frequency signal, and which demodulator comprises the second stage (5) and the second gain controller (54)” (emphasis added).

Here, although the language of claim 6 differs from the language of claim 1, and the scope of claim 6 should be interpreted independently of claim 1, Applicant respectfully asserts that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of claim 6. Accordingly, Applicant respectfully asserts claim

30 is patentable over Konishi because Konishi does not disclose controlling a gain of a second stage based on a demodulated IF signal, as recited in the claim.

#### Independent Claim 7

Applicant respectfully asserts independent claim 7 is patentable over Konishi at least for similar reasons to those stated above in regard to the rejection of independent claim 1. In particular, claim 7 recites “a second step of controlling a gain of the first step based on a modulated intermediate frequency signal” (emphasis added) and “a fourth step of controlling a gain of the third step based on a demodulated intermediate frequency signal; which second and fourth steps control the gains independently from each other” (emphasis added).

Here, although the language of claim 7 differs from the language of claim 1, and the scope of claim 7 should be interpreted independently of claim 1, Applicant respectfully asserts that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of claim 7. Accordingly, Applicant respectfully asserts claim 7 is patentable over Konishi because Konishi does not disclose controlling a gain of a second stage based on a demodulated IF signal, as recited in the claim.

#### Dependent Claims

Claims 2-4 depend from and incorporate all of the limitations of the corresponding independent claim 1. Applicant respectfully asserts claims 2-4 are allowable based on an allowable base claim. Additionally, each of claims 2-4 may be allowable for further reasons.

## **CONCLUSION**

Applicant respectfully requests reconsideration of the claims in view of the amendments and the remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,

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